

Hon. Brooke C. Wells

**AFFIDAVIT OF CALVIN N. ANDRUS IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTIVE RELIEF**

I, Calvin N. Andrus, affirm state and declare under penalty of perjury of the laws of the State of Utah as follows:

1. I am over the age of eighteen and not a party to the above-entitled action.
2. I am one of the founders of WBGI, having worked closely with plaintiff Walter L. Wagner on establishing the gardens when he began the project in 1994. I am also a shareholder of WBGI, owning approximately 1% (200 shares) of the issued shares.

Mismanagement of WBGI Database

3. Earlier this year I was informed by plaintiff Wagner that the current management of WBGI was deleting shareholders from the WBGI database for no valid reason, and that possibly records of my share ownership had also been deleted. Concerned, I sent an email to Mr. Steve Bryant, who was listed as the current WBGI President, inquiring about the status of my shares and the gardens.
4. In response to my email, he emailed me back asserting that he could find no evidence of my share ownership in WBGI, requesting that I provide some form of proof of ownership. In essence, he gave the impression that plaintiff

Wagner maintained shareholder records by the use of 'post-it-notes', and that was the reason he could not find evidence of my share ownership.

5. Contrary to Mr. Bryant's assertion to me, I have seen the shareholder database printout from January 2005 in which my name and shares were properly listed. I have also seen several earlier printouts in which my name and shares were also properly listed. Those printouts were maintained by plaintiff Wagner while he was in management at WBGI, which position he left in 2004. Apparently, Mr. Bryant did not have access to that 2005 database. I have not seen the database Mr. Bryant uses.

6. Neither Mr. Bryant nor any of the other defendants have asked me for a copy of that 2005 shareholder database that I obtained from plaintiff Wagner, though I am willing to provide him with the correct records that had been maintained by plaintiff Wagner.

Waste, Fraud and Mismanagement

7. I have read the sworn allegations of the complaint, as well as the sworn affidavit of Mr. Dan Perkins. I am appalled at the waste, fraud and mismanagement of WBGI by parties who are supposed to be looking out for my stock interest while managing WBGI. Parties responsible for that theft of funds, or its cover-up, should be immediately removed from WBGI management.

Conclusion

8. The conduct of publicly maligning the founder of WBGI with false allegations is absolutely reprehensible. WBGI has no business posting an "indictment" on its website when that indictment was dismissed and was based on false testimony. This maligning has apparently been ongoing, necessitating the issuance of an injunction, which I fully support. Moreover, this Court should conduct a hearing into the theft of the Visitor Center account funds, and remove from WBGI management those persons responsible for the theft and its cover-up.

9. I will be available to testify as to the defamation of plaintiff Wagner that I personally observed by way of my email exchange with Mr. Bryant. While I do not have direct knowledge of the theft of the WBGI Visitor Center account funds, as I was not active in WBGI management at that time, I will also be available to give testimony as to the early history of WBGI's formation, and as a character witness on behalf of plaintiff Wagner, and the apparent drastic loss of share valuation after plaintiff Wagner left WBGI.

DATED: November 7, 2011

A handwritten signature in black ink, appearing to read "Calvin N. Andrus", is written over a horizontal line.

Calvin N. Andrus